

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHRISTINE O'DONNELL

Plaintiff,

v.

INTER-COLLEGIATE STUDIES
INSTITUTE, INC.

Defendant.

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C.A. No.: 05-457

TRIAL BY JURY DEMANDED

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL

NOW COMES G. Kevin Fasic, Esquire, on behalf of himself and the Law Offices of G. Kevin Fasic, LLC (hereinafter "Counsel"), and seeks leave of Court to withdraw as counsel for the Plaintiff. In support thereof Counsel states as follows:

1. This matter was filed in July 2005 by the plaintiff, then acting in a *pro se* capacity. Counsel was retained shortly thereafter, and an amended Complaint was filed in September, 2005. Following the filing and voluntary withdraw of a partial motion to dismiss by defendant's counsel, a Scheduling Order was established in March 2006 and the parties served Rule 26 Disclosures and initial discovery requests in April/May 2006. Counsel immediately forwarded the discovery to the plaintiff, and requested that she provide draft responses, and any documents in her possession. Plaintiff had provided some documentation at the time Counsel was retained, but these did not include many of the documents requested by the defendant.

2. At the time discovery was served, defendant's counsel sent a Protective Order for execution by Counsel, on behalf of the plaintiff. Plaintiff, who is a public figure and was, at that time, engaged in a campaign for the United States Senate, refused to authorize Counsel to execute the Protective Order. The protective order issue was not resolved by the end of the Summer, and, as mediation before the Magistrate Judge was scheduled for early October 2006, Counsel and defendant's counsel elected to defer pursuing this issue until after mediation.
3. Mediation was held in early October 2006, but unfortunately the parties were unable to resolve the matter. Following this session it was agreed that some limited discovery would be necessary before fruitful settlement discussions could commence. However, step one would be resolution of the protective order issue.
4. The parties were unable to resolve the protective order issue until early June 2007, after protracted discussions about changes to the language. During the period from service of discovery to the resolution of the protective order issue, Counsel continually reminded plaintiff that she had to provide documentation and draft responses to the discovery. At this point, disagreements between plaintiff and Counsel began to mount concerning the strategy for pursuing the litigation.
5. Subsequent to resolution of the protective order issue, Counsel again requested draft responses to the discovery. Counsel and plaintiff continued to have disagreements concerning the production of documents, and the overall strategy of the case. Following some e-mail exchanges during the past week, the plaintiff made it abundantly clear she wished to proceed with other counsel.

6. In the opinion of the undersigned, the attorney-client relationship has been irrevocably damaged, and continued representation would be inadvisable. Counsel is, however, mindful of the on-going obligations to the client, and respectfully requests that the existing deadlines in this case be extended, again for a reasonable period of time, to allow new counsel to adequately prepare this matter for trial.

WHEREFORE, on behalf of myself and the Law Offices of G. Kevin Fasic, LLC, I respectfully request that the Court execute the proposed Order attached hereto, allowing me leave to withdraw as counsel of record for the plaintiff, and extending the existing deadlines in this matter for a reasonable period of time to allow plaintiff's new counsel to adequately prepare this matter for trial.

LAW OFFICES OF G. KEVIN FASIC

By: /s/ G. Kevin Fasic

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Dated: August 13, 2007